

REMARKS

Claims

Claims 162-164 and 166-178 are pending. Claims 162 and 176, and withdrawn claim 171, have been amended and support can be found in the claims and specification as originally filed. Claims 177-178 have been canceled. Claims 171-174 have been withdrawn. New claims 179-184 have been added and support can be found, for example, on pages 19, 24, and 30.

With respect to all amendments, elections and withdrawn claims, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

Claim objections

The Examiner has objected to claim 162 alleging that it recites "peptide or nucleotide sequences (CX^{IV}₁...X^{IV}₁₀C) that require sequence identifiers" (page 3 of the Final Office Action). Applicants respectfully direct the Examiner's attention to the language of 37 C.F.R. §1.821(a) concerning amino acid sequence disclosures in patent applications, which provides:

Nucleotide and/or amino acid sequences as used in §§ 1.821 through 1.825 are interpreted to mean an unbranched sequence of four or more amino acids or an unbranched sequence of ten or more nucleotides. Branched sequences are specifically excluded from this definition. Sequences with fewer than four specifically defined nucleotides or amino acids are specifically excluded from this section. "Specifically defined" means those amino acids other than "Xaa" and those nucleotide bases other than "n" defined in accordance with the World Intellectual Property Organization (WIPO) Handbook on Industrial Property Information and Documentation, Standard ST.25: Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in Patent Applications (1998), including Tables 1 through 6 in Appendix 2, herein incorporated by reference. (Hereinafter "WIPO Standard ST.25 (1998)"). [emphasis added] (see M.P.E.P. § 2422)

The amino acid sequence formula recited in claim 162 includes fewer than four specifically defined amino acids. Therefore, Applicants request the withdrawal of this objection.

Rejection under 35 U.S.C. §112, first paragraph – Written description

The Examiner has rejected claims 162-164, 166-170 and 175-178 under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants traverse the rejection.

As currently amended, claim 162 recites a “compound comprising a peptide chain having a sequence of amino acids CX^{IV}₁X^{IV}₂X^{IV}₃X^{IV}₄X^{IV}₅X^{IV}₆X^{IV}₇X^{IV}₈X^{IV}₉X^{IV}₁₀C that binds to a G-CSFR, wherein said sequence of amino acids is selected from the group consisting of GGGLLDICEKLQECARRCN (SEQ ID NO: 209); GRTGGLLDICEKLQECARRCN (SEQ ID NO: 210); LGIEGRTGGGLLDICEKLQECARRCN (SEQ ID NO: 211); and LLDICEKLQEAARRCN (SEQ ID NO: 212)”. Applicants point out to the Examiner that a typographical error in the sequence of amino acids shown as SEQ ID NO:212 has been corrected by way of an amendment. As such, the structural formula recited in claim 162 applies to all the sequences recited. Therefore, Applicants submit that claim 162 and all claims depending therefrom are clear and definite.

Request for rejoinder

Applicants elected Group I, claims 162-170 directed to a product with the understanding that upon the finding of a product claim of elected Group I allowable, the withdrawn process claims 171-174 that depend from or otherwise include all limitations of an allowable product claim will be rejoined with the pending claims, in accordance with the provisions of M.P.E.P. §821.04. Applicants submit that the product claims are in condition for allowance and request the rejoinder of the process claims.

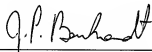
CONCLUSION

Further prosecution is respectfully requested. The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. **07-1700 (Docket No. 123886-181983)**.

Respectfully submitted,

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